

207  
MAR 10 2020

## MINUTES

The Town of Manteo Planning and Zoning Board met in Regular Session on Tuesday, March 10, 2020 at 6:00 p.m. at the Manteo Town Hall, 407 Budleigh Street

The following members were present:

Chairman Sherry Wickstrom  
Member Hal Goodman  
Member Fields Scarborough  
Member Nicole Northrup  
Member Jamie Daniels

The following members were absent:

Also present at the meeting:

Melissa Dickerson, Planner  
Becky Breiholz, Town Clerk

Chairman Wickstrom called the meeting to order at 6:00 pm

**SUBJECT:** Adoption of Agenda as presented or amended

**MOTION:** Member Goodman seconded by Member Daniels to adopt the agenda as presented was approved by the following vote: Ayes: Chairman Wickstrom, Members Scarborough, Goodman, Northrup and Daniels. Noes: None. Absent: None.

**SUBJECT:** Approval of Minutes Regular Meeting February 11, 2020

**MOTION:** Member Northrup seconded by Member Goodman to approve the minutes a presented was approved by the following vote: Ayes: Chairman Wickstrom, Members Scarborough, Goodman, Northrup and Daniels. Noes: None. Absent: None.

**SUBJECT:** PUBLIC HEARING-to receive comments on the draft 2020 Town of Manteo Damage Prevention Ordinance and Maps.

**MOTION:** Member Daniels seconded by Member Scarborough to open the public hearing was approved by the following vote: Ayes: Chairman Wickstrom, Members Scarborough, Goodman, Northrup and Daniels. Noes: None. Absent: None.

Before the Public Hearing on the draft Flood Damage Prevention Ordinance, there are some things that Planner Melissa Dickerson would like to share regarding this text amendment and the process. There is also related material on the table.

Mrs. Dickerson commented that she is most appreciative to everyone who has provided input in the process so far, especially to the members of the Planning Board. Everyone's input provides opportunity to improve our systems and processes. And I thank you!

208  
First, I want to review what a floodmap is:

MAR 10 2020  
"The Federal Emergency Management Agency partners with states, tribes and communities through the Risk Mapping, Assessment, and Planning (Risk MAP) program to identify flood hazards, assess flood risks, and provide guidance to stakeholders in taking effective mitigation actions that result in safer and more resilient communities. This data is incorporated into flood maps, known as Flood Insurance Rate Maps (FIRMs), that support the National Flood Insurance Program (NFIP) and provide the basis for community floodplain management regulations and flood insurance requirements. Through the Risk MAP program, flood maps are developed using the best available science and analyzed by engineering firms. The mapping standards are published, vetted, peer reviewed, and updated continuously to ensure they are aligned with current best practices." -FEMA Fact Sheet August 2017

The Town began participating in the National Flood Insurance Program in 1977. The Town also participates in the Community Rating System (CRS) which is a part of the National Flood Insurance Program (NFIP). The Community Rating System is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements.

As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the Community Rating System:

1. Reduce flood damage to insurable property.
2. Strengthen and support the insurance aspects of the NFIP, and
3. Encourage a comprehensive approach to floodplain management.

The Town's current Community Rating System score is a 7 which provides a 15% discount on flood insurance rates. This year, we will be conducting a "community assistance visit," where our scoring will be reviewed-the goal is to score a 6 which will earn an additional 5% to a total discount of 20% on flood insurance premiums.

**Important Dates:**

- The Current Maps were adopted in 2006
- The Preliminary Maps (the new flood maps) were released on June 30, 2016
- The Letter of Final Determination was received on December 19, 2019 (this begins the 6-month window for adoption of the new maps and Flood Damage Prevention Ordinance.
- Effective maps and Flood Damage Prevention Ordinance on June 19, 2020 Planning Department

**Required Actions:**

209  
MAR 10 2020

- Ordinance revisions must be reviewed by the Planning Board; this is set forth in our Ordinance.
- Public hearings required as part of the process. Additional hearings will be held with interest groups and property owners.
- Outreach activities to stress the importance of keeping flood insurance coverage. (includes message on water bills, stakeholder meetings with other municipalities and County, and drop-in information sessions) She held one drop-in session last week and plan on holding more the week before the Commissioners hold their Public Hearing.

**3 slides of maps were shown.**

**Impact of Maps:**

- Revised maps, when adopted, will be used for flood insurance rating purposes. Policies renewed or enacted after June 19, 2020 will be based on the new maps.
- Potential for decreased flood insurance rates.
- Property owners should talk to their insurance agents about best possible rate for their property when maps are adopted.

**Recommended Response to the Maps:**

- AE zones-3 feet freeboard above BFE or to a local elevation standard (LES)
- Shaded X or X zones
- \* Elevated to local elevation standard. Current target is 8 feet, which is consistent with Dare County.
- \* Requires that the first floor of the living area be elevated at or above 8 feet as if the property was in an AE flood zone.

**LES Regulations:**

- Regulatory flood elevation measured at the bottom of the lowest floor. Utilities must be elevated above the regulatory flood elevation.
- Flood vents required in areas below regulatory flood level.
- Elevation certificates required.
- Lateral additions to existing structures-can be added at the same base elevation in effect at the same time of construction.
- Remodeling (no increase of footprint) can be done at the existing elevation of a structure.

**Other suggested changes:**

210  
MAR 10 2020

- Non-conversion agreement with a requirement of filing at Dare County Register of Deeds. This would be signed when the Certificate of Occupancy is issued.
- This means that ground floor enclosures cannot be converted to conditioned space unless LES of 8 feet can be maintained.
- \* Two Elevation Certificates required: 1 when reference level is established and the second for as built.
- \* Require that all tanks (regardless of SFHA location) that are not elevated be anchored to resist buoyancy.

**Flood Damage Prevention Ordinance Adoption Schedule:**

- February 11, 2020-Planning and Zoning Board review draft ordinance and schedule public hearing
- March 2-6, 2020-Drop-in information sessions hosted at Town Hall
- March 10, 2020-Planning and Zoning Board hold public hearing and make recommendations to the Board of Commissioners
- April 1, 2020-Board of Commissioners schedule public hearing for May 6, 2020
- May 6, 2020-Board of Commissioners hold public hearing and consider possible adoption with effective date of June 19, 2020
- June 3, 2020-Additional date for Board of Commissioners to consider possible adoption (if necessary)
- June 19, 2020-Flood maps and Flood Damage Prevention Ordinance effective

Jay Overton, Surveyor-Engineer with Albemarle Associates and representing the Outer Banks Homebuilders Association. He gave background and the process started with them a few months after the Towns received the maps back in 2016, and he understands the effects of a storm. For years they have used the flood maps for insurance purposes and they also used them for building purposes and with these maps we saw a decrease in the required flood elevation and what they did not want to see people build at lower elevations so the discussion was to adopt local construction standards and use the maps for only insurance purposes. The Association came together with the local governments working together to see what was best for the community. He has received feedback from others about how great it was to be able to work together on this as a community. Key issue has been dealing with what the building code and the FEMA elevation certificate; the old maps use the finished floor of the building and the building code says you can't have any white wood beneath that unless you use flood resistant materials and you get this sense of you can do this but you can't do that unless you do this. With the local elevation standard it uses the same terminology bottom of the lower structure member or floor joist and duct work so there is not the situation of inconsistency; and in that case that will add a foot to the local elevation standard of 8 which in the past it was 8 to finished floor of building and it is now the bottom of the floor joist. The County and Towns set a model ordinance to the States in order to get a concurrence, we are still getting concurrences. There are things that have to do with floodways and the document

211  
MAR 10 2020

has some things that can be pulled out. He stated on page 29 (actually page 42 (2) of draft ordinance) about flood vents there is a provision that you can use an engineered flood vent allowing a minimum of one square engineered inch for each square foot of enclosed area for an engineered opening. Also a few sentences above that (page 41 (4) it talks about the enclosures; they don't want condition space but would like for de-humidifiers or non-temperature controls be allowed to remove moisture for those spaces such as a garage; the other Towns are allowing that. (Those 2 pages will be included in the minutes) He also commented on the AE zones plus 3 minimum of 8 on elevation and knows in AO zones found in Dare County plus one or plus 3 when applied the elevation would be a 10 or 11 and he hasn't really had the chance to investigate that. He thanked Melissa for all her hard work on this ordinance.

In response to concerns Mr. Overton raised, Melissa Dickerson commented that the engineered vents were an oversight; she is fine with the non-temperature controlled being allowed in unconditioned spaces and that it had been discussed. She commented that it is interesting on the remarks she got from the state where they have told others they could take them out, that was not relayed to her so she just left them in but they can come out. Also, we don't have any AO zones in Manteo.

**MOTION:** Member Daniels seconded by Member Goodman to exit the public hearing at 6:26 pm was approved by the following vote: Ayes: Chairman Wickstrom, Members Scarborough, Goodman, Northrup and Daniels. Noes: None. Absent: None.

**PUBLIC COMMENTS-** none.

#### **NEW BUSINESS**

**SUBJECT:** Review of garage plans for 125 Dartmoor Lane (Lot 24) Marshes Light. This was reviewed by the PARC Committee who recommended approval as presented.

**MOTION:** Member Daniels seconded by Member Scarborough to approve the garage plans as presented was approved by the following vote: Ayes: Chairman Wickstrom, Members Scarborough, Goodman, Northrup and Daniels. Noes: None. Absent: None.

#### **OLD BUSINESS:**

**SUBJECT:** Appointment or Re-appointment to the PARC Committee-The Town's ordinance states if any member misses two (2) consecutive meetings they are removed. Amy Bennett missed two consecutive meetings and would like to be re-appointed.

**MOTION:** Member Goodman seconded by Member Scarborough to re-appoint Amy Bennett to the PARC Committee was approved by the following vote: Ayes: Chairman Wickstrom, Members Scarborough, Goodman, Northrup and Daniels. Noes: None. Absent: None.

**SUBJECT:** Discussion and recommendation to the Board of Commissioners on the Town of Manteo Flood Damage Prevention Ordinance.

212  
MAR 10 2020

Staff Report on Planning and Zoning Board Agenda Item 7. B. for March 10, 2020  
Prepared by Town Planner, Melissa Dickerson and will be included in the minutes.

There are 5 suggested changes to the text of the draft ordinance that was posted on the Town's website. The first 3 of the are technical corrections that reference "Articles" rather than "Sections". These were overlooked during the reviews of the draft ordinance. The changes fix those references to guide the reader to the correct section of the ordinance that are being referenced. The final 2 suggested changes are the result of conversations with Planning and Zoning Board members. These changes incorporate policies that require 2 elevation certificates for new construction (one when the reference level is established and one at the end of construction) and require that all tanks located at grade be anchored, regardless if they are located in a special flood hazard area. These changes should be addressed through a motion and are detailed in this report. Once the Planning and Zoning Board has approved the text changes, you will need to adopt a Plan Consistency Statement. A draft of that statement is included in this report. Finally, you all will need to adopt a recommendation to the Board of Commissioners. A draft recommendation is included in this report. The Planning Board finds action to update Article 26-Federal Emergency Management Administration/Flood Damage Prevention Ordinance of the Town of Manteo's Zoning Code to be consistent with the Town's Land Use Plan per §160A-383, the Planning Board recommends that the Board of Commissioners amending the Town's Zoning Code with the new Article 26-Federal Emergency Management Administration/Flood Damage Prevention Ordinance with the incorporated changes.

Chair Sherry Wickstrom commented that we can postpone this, or we can make a motion that would include those 2 items in the motion.

**MOTION:** Member Daniels seconded by Member Goodman to approve the technical changes in the draft ordinance page 44, 47, 48 (will be made a part of the minutes) was approved by the following vote: Ayes: Chairman Wickstrom, Members Scarborough, Goodman, Northrup and Daniels. Noes: None. Absent: None.

**MOTION:** Member Goodman seconded by Member Daniels to approve changes by the Planning and Zoning Board pages 24-26 as outlined in the Staff report (included in the minutes) for Certification requirements and changes on pages 47 and 48 in subsection C regarding the securing the tanks from buoyancy **MOTION WAS AMENDED** by Member Northrup and seconded by Member Daniels were outlined in the ordinance, as identified by the Planner to modify (page 41-4a) dehumidifiers may be used in enclosed areas and non-temperature controlled shall not result in the enclosed area being determined to be conditioned space and page 42 (2) add a minimum of one square engineered inch for each square foot of enclosed area for an engineered opening was approved by the following vote: Ayes: Chairman Wickstrom, Members Scarborough, Goodman, Northrup and Daniels. Noes: None. Absent: None.

213  
MAR 10 2020

**MOTION:** Member Goodman seconded by Member Daniels to approve the consistency statement (will be made a part of the minutes) was approved by the following vote: Ayes: Chairman Wickstrom, Members Scarborough, Goodman, Northrup and Daniels. Noes: None. Absent: None.

**MOTION:** Member Daniels seconded by Member Goodman to recommend to the Board of Commissioners that the Planning Board finds action to update Article 26-Federal Emergency Management Administration/Flood Damage Prevention Ordinance of the Town of Manteo's Zoning Code to be consistent with the Town's Land Use Plan per §160A-383, with the changes was approved by the following vote: Ayes: Chairman Wickstrom, Members Scarborough, Goodman, Northrup and Daniels. Noes: None. Absent: None.

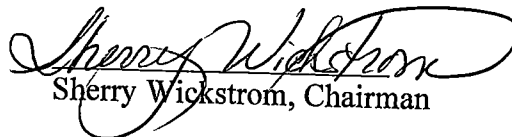
### BOARD COMMENTS

Member Goodman commented that on the garage plans that were approved earlier that on the drawing one thing was omitted and that was the anchor bolts and that needs to be added to the drawing before they get their permit.

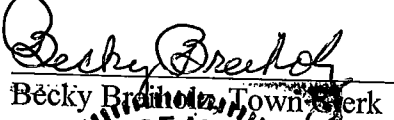
Consensus of the Board was that Planner Melissa Dickerson did a great job on the flood ordinance. Chair Wickstrom commented that she also appreciates that the Town is now videoing the meetings.

**MOTION:** Member Goodman seconded by Member Daniels to adjourn at 6:55 pm was approved by the following vote: Ayes: Chairman Wickstrom and Members Scarborough, Goodman, Northrup, and Daniels. Noes: None. Absent: None

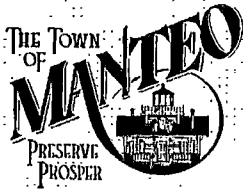
This the 10<sup>th</sup> day of March 2020.

  
Sherry Wickstrom, Chairman

ATTEST:

  
Becky Brinkley, Town Clerk





214  
MAR 10 2020

**Staff Report on Planning and Zoning Board Agenda Item 7. B. for March 10, 2020**

**Prepared by Town Planner, Melissa Dickerson**

This report was prepared to describe suggested changes to the Flood Damage Prevention Ordinance you all will be considering on your agenda at the next meeting.

There are 5 suggested changes to the text of the draft ordinance that was posted on the Town's website. The first 3 of the are technical corrections that reference "Articles" rather than "Sections". These were overlooked during the reviews of the draft ordinance. The changes fix those references to guide the reader to the correct section of the ordinance that are being referenced.

The final 2 suggested changes are the result of conversations with Planning and Zoning Board members. These changes incorporate policies that require 2 elevation certificates for new construction (one when the reference level is established and one at the end of construction) and require that all tanks located at grade be anchored, regardless if they are located in a special flood hazard area.

These changes should be addressed through a motion and are detailed in this report.

Once the Planning and Zoning Board has approved the text changes, you will need to adopt a Plan Consistency Statement. A draft of that statement is included in this report.

Finally, you all will need to adopt a recommendation to the Board of Commissioners. A draft recommendation is included in this report.

**Technical Corrections to DRAFT Flood Damage Prevention Ordinance:**

**1. Page 44: Delete the words "Article 2" and replace with "Sec. 26-5"**

*B. In Shaded X and X zones*

*1. The substantial improvement/substantial damage definitions as established in Article 2 ~~Sec. 26-5~~, Definitions, do not apply to Shaded X and X zones.*

**2. Page 47: Delete the words "Article 5, Section B (2)" and replace with "Sec. 26-20. (2) Non-residential construction"**

*(c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) ~~Sec. 26-20. (2) Non-residential construction~~ of this ordinance shall not be permitted in V or VE Zones. Tanks may be permitted in other flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.*



215  
MAR 10 2020

3. Pages 47 and 48: Delete the words "Article 5, Section F" and replace with "Sec. 26-24 Floodways and non-encroachment areas" in 3 places:

(10) Other Development.

(a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of ~~Article 5, Section F~~ Sec. 26-24 Floodways and non-encroachment areas of this ordinance.

(b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of ~~Article 5, Section F~~ Sec. 26-24 Floodways and non-encroachment areas of this ordinance.

(c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of ~~Article 5, Section F~~ Sec. 26-24 Floodways and non-encroachment areas of this ordinance.

(d) Commercial storage facilities are not considered "limited storage" as noted in this ordinance, and shall protected to the Regulatory Flood Protection Elevation as required for commercial structures.

Planning and Zoning Board recommended changes to DRAFT Flood Damage Prevention Ordinance

4. Pages 24-26 Certification requirements. Delete the following (text with strikethrough).

(c) Certification requirements.

~~(1) Elevation certificates for AE, AO, VE, Shaded X and X Zones. A. An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.) 25~~

~~B. An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.~~

~~Suggested alternative A/B: An under construction elevation certificate is required prior to completion of the framing inspection by Town of Manteo. It shall be the duty of the permit holder to submit to the Floodplain Administrator or his or her designee, a certification of the under construction elevation of the reference level in relation to NAVD 1988. The under construction certificate shall be submitted at the time a framing inspection is scheduled with the Town of Manteo Building Inspector. The Floodplain Administrator or his or her designee shall review the certificate and report any deficiencies to the permit holder immediately and such deficiencies shall be corrected immediately prior to further work being permitted to proceed. Failure to submit the under construction elevation certificate or failure to make required corrections shall be cause to issue a stop work order for the project.~~

~~C. B.~~ A final as-built elevation certificate (FEMA Form 81-31) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the 26 certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

D. In Shaded X and X zones, the submission of the under-construction elevation certificate and the finished construction elevation certificate may be waived if a survey of the parcel was used to certify the natural grade of the parcel was to or above 8 feet at the time of permit application. In lieu of the finished construction elevation certificate, an as-built survey of the parcel shall be submitted to certify the finished grade of the parcel is compliant with the RFPE or 8 feet or above.

**5. PAGES 47 and 48 in subsection "c" delete the words "other flood hazard" AE, AO, AH, Shaded X or X zones**

(9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

(b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

217

MAR 10 2020

(c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) Sec. 26-20. (2) Non-residential construction of this ordinance shall not be permitted in V or VE Zones. Tanks may be permitted in other flood hazard ~~AE, AO, AH, Shaded X or X zones~~ provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

(i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

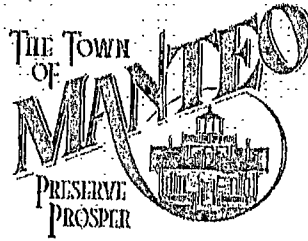
**Consistency Statement:**

The Town of Manteo Planning and Zoning Board finds the action to update Article 26 Federal Emergency Management Administration/Flood Damage Prevention Ordinance of the Town of Manteo's Zoning Code to be consistent with the Town's 2007 Land Use Plan. The following policies and actions of the Town's Land Use Plan support floodplain management through the National Flood Insurance Program: Natural Hazard Policies 24, 25 and 27 and Natural Hazard Action 27. It is reasonable and in the public interest to approve the amendment to the Flood Damage Prevention Ordinance.

**Recommendation to the Board of Commissioners:**

The Planning Board finds action to update Article 26-Federal Emergency Management Administration/Flood Damage Prevention Ordinance of the Town of Manteo's Zoning Code to be consistent with the Town's Land Use Plan per §160A-383, in a \_ to \_ vote, the Planning Board recommends that the Board of Commissioners amend the Town's Zoning Code with the new Article 26-Federal Emergency Management Administration/Flood Damage Prevention Ordinance with the incorporated changes.

218  
MAR 10 2020



**Consistency Statement:**

The Town of Manteo Planning and Zoning Board finds the action to update Article 26 *Federal Emergency Management Administration/Flood Damage Prevention Ordinance* of the Town of Manteo's Zoning Code to be consistent with the Town's 2007 Land Use Plan. The following policies and actions of the Town's Land Use Plan support floodplain management through the National Flood Insurance Program: Natural Hazard Policies 24, 25 and 27 and Natural Hazard Action 27. It is reasonable and in the public interest to approve the amendment to the Flood Damage Prevention Ordinance.

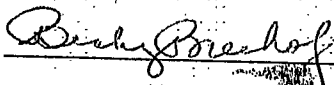
**Recommendation to the Board of Commissioners:**

The Planning Board finds action to update Article 26-Federal Emergency Management Administration/Flood Damage Prevention Ordinance of the Town of Manteo's Zoning Code to be consistent with the Town's Land Use Plan per §160A-383, in a \_ to \_ vote, the Planning Board recommends that the Board of Commissioners amend the Town's Zoning Code with the new Article 26-Federal Emergency Management Administration/Flood Damage Prevention Ordinance with the incorporated changes.

This the 10<sup>th</sup> day of March, 2020.

  
Sherry Wickstrom, Chair

ATTEST:



Becky Bremholz, Town Clerk



219  
MAR 10 2020

Insurance pursuant to N.C.G.S. § 143-143.15, or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

c. All enclosures or skirting below the lowest floor shall meet the requirements of subsections 26-20(4).

d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood-prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the Local Emergency Management Coordinator.

(4) Elevated buildings. Enclosed area/enclosure as defined new construction and substantially improved structures, which are below the lowest floor in AE, AO, AH, Shaded X or X zones or below the lowest horizontal structural member in VE zones;

a. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

b. Shall not be temperature-controlled or conditioned;

~~b.~~ c. Shall be constructed entirely of flood resistant materials, up to the regulatory flood protection elevation;

~~c.~~ d. Shall include, in Zones A, AO, AE, AH, AO, A99, Shaded X and X zones, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings

220  
MAR 10 2020

must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;

1. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
  2. The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
  3. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
  4. The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;
  5. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
  6. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- d. e. Shall in coastal high hazard areas (Zones VE and ~~V1-30~~), meet the requirements of Section 26-25 Coastal High Hazard Areas.
- f. Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space; The Town of Manteo will have the right to inspect the enclosed area. The Town of Manteo will conduct annual inspections. This agreement shall be recorded with the Dare County Register of Deeds and shall transfer with the property in perpetuity.
- g. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the